

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARIO MICHAEL MAYORGA,

Petitioner,

v.

CHRISTIAN PFEIFFER,

Respondent.

No. 2:22-cv-1940 WBS KJN P

ORDER

Petitioner, a state prisoner proceeding pro se, filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.


On July 05, 2023, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. Neither party filed objections to the findings and recommendations.

The court presumes that any findings of fact are correct. See Orand v. United States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983). The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed July 05, 2023 are adopted in full;
2. Petitioner's motion for stay (ECF No. 16) is denied;
3. Respondent's motion to dismiss (ECF No. 11) is granted;
4. The petition is dismissed;
5. Petitioner is granted thirty days from the date this Order is filed in which to file an amended petition raising only exhausted claims one through four; and
6. The court declines to issue the certificate of appealability referenced in 28 U.S.C. § 2253.

Dated: August 25, 2023


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

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